

**From:** Spencer Claire [<mailto:Claire.Spencer@scambs.gov.uk>]  
**Sent:** 19 August 2015 12:00  
**To:** A14 Cambridge to Huntingdon  
**Subject:** A14 DCO Examination - Deadline 7

Dear Ms Fernandes,

This email provides the response to the matters addressed in Deadline 7 on behalf of South Cambridgeshire District Council (Reference 10030865), to the Examination into the A14 Cambridge to Huntingdon Improvement Scheme DCO Application.

### Second Round of Written Questions

The Council's Response to the Examining Authority's Second Round of Written Questions is attached.

### Statement of Common Ground

Please find attached the updated Statement of Common Ground between Highways England and South Cambridgeshire District Council. This reflects the current position in relation to the issues raised in the Council's Written Representation. Discussions are continuing in order to attempt to resolve any outstanding issues.

### Comments on Applicant's report on local traffic impacts

The Council does not have any specific comments to make on the Applicant's report on local traffic impacts at this stage. However, the Council is working with the other local authorities to prepare an update to the joint Local Impact Report, which will address local traffic impacts; this update will be submitted to meet Deadline 8.

### Hearings

South Cambridgeshire District Council does not wish to appear at a compulsory acquisition hearing.

Kind regards

**Claire Spencer** | Senior Planning Policy Officer



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# **A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order**

**Response to Examination Authority's Second Written Questions by  
South Cambridgeshire District Council**

**19 August 2015**



<b>Question Reference:</b>	Q2.1.1
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**Question:**

How would mitigation to manage air quality impacts during construction be secured through the Code of Construction Practice (CoCP) (APP-752) section 6 and Requirement 3 (now 4). (Ref Q1.1.4 and Q1.1.17 REP2-002)

**Response:**

The Code of Construction Practice (CoCP) details the overarching approach to controlling construction related air quality impacts and unless the statutory authority defence is disapplied it is paramount that the CoCP is comprehensive, as statutory nuisance action may not be possible.

The CoCP is generally in accordance with national and industry best practice. Whilst it commits the contractor to seek formal prior consent for its construction working methods and the use of best practicable means steps to minimise noise from the works from the local authority under s.61 of Control of Pollution Act 1974, this does not apply to other impacts such as air quality and dust.

It remains the Council's view that although the draft DCO (Schedule 2, Part 1 Requirements) includes a Requirement 3 (now 4) relating to Code of Construction Practice compliance, an additional requirement should be imposed or draft Requirement 3 (now 4) should be amended to ensure that no development shall commence until the Construction Environmental Management Plans (CEMPs) and Local Environmental Management Plans (LEMPs) as referred to in the Code of Construction Practice (CoCP) have been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

The detailed CEMPs and LEMPs can only be provided, once detailed construction programmes are finalised when more detail is available including construction timetables, methods and activities.

The Council's local knowledge and input is required to ensure local receptors are adequately considered and protected and any such LEMPS should be submitted in advance to an agreed timetable prior to works commencing.

SCDC submitted comments on the revised draft DCO to this effect (REP5-016) – see extract below.

Comments on revised draft DCO - extract from REP5-016:

**Proposed amendment to Requirement 4: Code of Construction Practice**

The Council, in its Written Representation (REP2-147), sought the inclusion of an additional Requirement to secure the formal approval of Construction Environmental Management Plans and Local Environmental Management Plans (paragraphs 84 and 130 - 137). The Council considers this to be of paramount importance as the Planning Act 2008 appears to provide **a general absolute defence to action in respect of statutory nuisance**. Therefore Local Authorities have little or no powers if annoyance or nuisance arises.

The following amendment to Requirement 4 is proposed:

**Code of construction practice and local environmental management plans**

**4.-(1)** The construction of the authorised development must be carried out in accordance with the provisions of the code of construction practice.

(2) No part of the authorised development or each phased section of the scheme shall commence until the Local Environmental Management Plans (LEMPs) as referred to in the Code of Construction Practice (CoCP) have been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

<b>Question Reference:</b>	Q2.1.4
<b>Question:</b>	
SCDC are seeking an appropriate baseline for post construction monitoring of PM <sub>10</sub> and NO <sub>2</sub> to be agreed and secured by Requirement. Can the applicant comment? (Ref Q1.1.5 REP2-002)	
<b>Response:</b>	
<p>The Council would require any major development proposal to monitor and, if necessary, mitigate its impacts on air quality in accordance with policies in the adopted Development Plan. The extent and type of monitoring undertaken is tailored to each individual site and proposed development.</p> <p>Due to exceedances of the national objectives for annual mean nitrogen dioxide and daily mean PM<sub>10</sub> an AQMA was designated along the A14 between Bar Hill and Milton in 2007 for NO<sub>2</sub> and subsequently amended in 2008 to include PM<sub>10</sub>. The Council has an Air Quality Action Plan (produced jointly with Cambridge City and Huntingdonshire District Councils) and Air Quality Strategy (2008) which seek to address air quality. It will also look to secure Low Emission Strategy to address transport impacts of development on local air quality and on climate change.</p> <p>The Council considers it important to undertake post completion monitoring to validate the modelling assumptions, even if air quality is predicted to improve.</p> <p>Monitoring will be necessary in order for the Council to be able to revoke the AQMA. There needs to be a detailed assessment, which would encompass collecting monitoring data over several years.</p> <p>If, contrary to the prediction, there is a worsening in air quality along the A14 it may be necessary to implement additional mitigation measures. For example speed restrictions and/or secure a Low Emission Strategy.</p> <p>The Council is therefore seeking to ensure that appropriate monitoring is undertaken and the necessary powers are put in place to require additional mitigation measures if they are needed. This could be achieved, for example, through the addition of an air quality Requirement.</p> <p>Given the Council's view that operational monitoring is required, it is necessary to agree a baseline position. An appropriate baseline is essential to be able to determine if there has been any change in air quality as a result of the scheme compared to what is predicted. The Council considers that it should be possible to agree a suitable baseline position as new monitoring equipment for PM<sub>10</sub> and NO<sub>x</sub> has been installed, which meets HE's requirements; they were installed in March and October 2014 respectively. With the DEFRA annual cycle of data being January to December, and the need to ratify the data, it should be possible to reach agreement on a new baseline when the next available full year of ratified data from the Impington monitoring station is available (by February / March 2016).</p>	

<b>Question Reference:</b>	Q2.1.5
<b>Question:</b>	
The applicant has indicated that post completion air quality monitoring is not necessary (Comments on response to SCDC re Q1.1.1 REP2-002 (REP4-018). What is the reasoning for this? Local Authorities may wish to comment?	
<b>Response:</b>	
See response to Q2.1.4.	

<b>Question Reference:</b>	Q2.1.6
<b>Question:</b>	
What are the sanctions if best practice measures to control dust during construction prove ineffective and impacts become unacceptable? Local authorities may wish to comment. (Ref Q1.1.17 REP2-002)	
<b>Response:</b>	
SCDC's response to the ExA's First Written Questions Q1.1.17 (REP2-190) remains relevant.	
<p>It is uncertain if Local authorities can take any enforcement action against dust from construction activities if best practice measures to control dust during construction prove ineffective and impacts become unacceptable.</p> <p>Under s.79 (1) of the Environmental Protection Act 1990 (EPA 1990) every local authority is placed under a duty to ensure their area is inspected from time to time to detect any statutory nuisance. Local authorities therefore have a duty to investigate alleged statutory nuisances including "any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance". This can include complaints about dust from construction sites.</p> <p>As stated in the Council's response to Q1.1.17 the Planning Act 2008 appears to provide a general absolute defence to action in respect of statutory nuisance action by the local authority under section 79 (1) of the Environmental Protection Act 1990 which includes dust. Essentially a defence of statutory authority to a nuisance claim exists in the case of Nationally Significant Infrastructure Projects such as the A14 Improvement Scheme.</p> <p>S.80 / 82(1) of the EPA 1990 provides that where a local authority is satisfied a statutory nuisance exists or is likely to occur or recur, it must serve an Abatement Notice which will require abatement or prohibit or restrict its occurrence or recurrence and may require the execution of work or taking of steps for such purposes, specifying the time within which compliance is required. Failure to comply can be an offence.</p> <p>The advice given in the <i>National Policy Statement for National Networks, December 2014</i> regarding <i>Common law nuisance and statutory nuisance</i> (paragraphs 4.57 to 4.59, 5.81 to 5.83 and 5.88) appear to support the Council's view on the defence of statutory authority to a nuisance. Paragraphs 5.87 and 5.88 state that:</p> <p><b>“5.87</b> <i>The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of odour, dust, steam, smoke and artificial light. This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</i></p> <p><b>5.88</b> <i>If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, then the defence should be disapplied, in whole or in part, through a provision in the</i></p>	

*Development Consent Order”.*

HE's Response to Q1.1.17 (REP2-002) states that the draft DCO (Schedule 2, Part 1 Requirements) includes a Requirement 3 (now 4) relating to Code of Construction Practice compliance and if best practice measurements detailed in the CoCP are not carried out then the contractor (and indeed Highways England) would be in breach of the terms of the DCO. Under s.161 of the Planning Act 2008 this is an offence, and the local planning authority has a number of actions open to it. For example, it could serve an Information Notice or prosecute.

It is unclear if these enforcement options are available to the local planning authority or others.

HE also state that the draft DCO does not disapply the requirements of the Environmental Protection Act 1990 in respect of nuisance from dust and fumes. In the event that best practice measures are ineffective, statutory nuisance action could also be taken under the terms of the 1990 Act via an abatement notice to require further mitigation to be provided by the contractor or Highways England.

**SCDC are unsure if this is actually the case and would ask the ExA to clarify and give careful consideration to this matter.**

The CoCP details the overarching approach to controlling construction related air quality impacts and unless the statutory authority defence is clearly disapplied to dust in the DCO it is paramount that the CoCP is comprehensive and effective, as the statutory nuisance action option may not be possible against dust nuisance and other sanctions are not available.

It is noted that the defence does not remove the local authority's duties under Part III of the Environmental Protection Act 1990 ("the 1990 Act") to inspect its area and take reasonable steps to investigate complaints of statutory nuisance.

In terms of statutory nuisance considerations it should be noted there is also a best practical means defence. If this is demonstrated then nuisance action may not be possible in any case.

<b>Question Reference:</b>	Q2.1.7
<b>Question:</b>	
How would agreement be reached with the local authorities regarding their request for post implementation air quality monitoring in locations where air quality is predicted to decline?	
<b>Response:</b>	
<p>The Council considers the following process to be necessary in order to reach agreement on the issue of post scheme air quality monitoring:</p> <ul style="list-style-type: none"><li>• Highways England needs to agree that post scheme monitoring is necessary to validate the modelling predictions.</li><li>• SCDC (and Huntingdonshire District Council) will provide monitoring data from monitoring equipment that is already in place, including the new monitoring station at Impington and/or HE can undertake their own monitoring.</li><li>• If the monitoring data indicates there is any deviation from that predicted in the HE's model / detailed in the Environmental Statement, an investigation is needed to determine why and a re-run of the model undertaken.</li><li>• HE needs to agree to the provision of any mitigation measures necessary to address any detriment to air quality as a result of the A14 scheme.</li></ul> <p>Note the Council feels that it is essential that an Air Quality Requirement should be included in the DCO to secure post scheme monitoring and, if necessary, appropriate mitigation measures.</p>	

<b>Question Reference:</b>	Q2.1.9
<b>Question:</b>	
What progress has been made in discussions between the applicant and SCDC about the PM <sub>10</sub> data from the Impington monitoring station. (Ref Q1.1.1 REP2-002).	
<b>Response:</b>	
<p>The Statement of Common Ground has been updated to reflect the disagreement between Highways England and SCDC over the need for post scheme air quality monitoring.</p> <p>HE have made it clear it does not propose to undertake monitoring during the operational phase as there are no predicted exceedances of air quality objectives or limit values or any significant effects identified across the scheme.</p> <p>Given the Council's view that operational monitoring is required, it is necessary to agree a baseline position. An appropriate baseline is essential to be able to determine if there has been any change in air quality as a result of the scheme compared to what is predicted. The Council considers that it should be possible to agree a suitable baseline position as new monitoring equipment for PM<sub>10</sub> and NO<sub>x</sub> has been installed, which meets HE's requirements; they were installed in March and October 2014 respectively. With the DEFRA annual cycle of data being January to December, and the need to ratify the data, it should be possible to reach agreement on a new baseline when the next available full year of ratified data from the Impington monitoring station is available (by February / March 2016).</p> <p>Therefore no further progress has been made on this issue.</p>	

<b>Question Reference:</b>	Q2.1.11
<b>Question:</b>	
SCDC has raised concerns about air quality monitoring during construction. Would an air quality monitoring strategy address this concern?	
<b>Response:</b>	
<p>Due to exceedances of the national objectives for annual mean nitrogen dioxide and daily mean PM<sub>10</sub> an AQMA was designated along the A14 between Bar Hill and Milton in 2007 for NO<sub>2</sub> and subsequently amended in 2008 to include PM<sub>10</sub>. The Council is seeking mitigation during the construction and operational phase to ensure the scheme will not lead to worsening air quality in the area. Highways England has proposed mitigation measures which should minimise but not completely eradicate any negative impact on air quality, in particular dust. However, with the use of Section 61 COPA consent notices the mitigation measures should be sufficient to protect sensitive receptors.</p>	

<b>Question Reference:</b>	Q2.6.2
<b>Question:</b>	
At the first DCO hearing the ExA raised the matter of discharge of requirements and whether local planning authorities would be better placed to discharge requirements. The applicants response is captured in its written submission (REP5-028). Do the local authorities wish to comment?	
<b>Response:</b>	
<p>SCDC is content with the suggestions made by the Applicant in Section 2 of its written submission. SCDC does not have the necessary expertise and resources to discharge the DCO requirements within its administrative area and it considers that as the overall scheme is split over three local planning authority areas, to take this approach would lead to a potentially disjointed and ineffective role during the DCO requirements discharge process.</p> <p>SCDC is content with the process whereby Requirements will generally be discharged by the Secretary of State in consultation with the relevant planning authority. However, the Council has already raised concerns that for some of the Requirements where no consultation is proposed it has requested to be consulted before they are discharged.</p>	

<b>Question Reference:</b>	Q2.6.5
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**Question:**

At paragraph 4.52 of HEs written submission following the first DCO hearing (REP5-028), the applicant refers to noise issues being ‘fundamentally a trunk road design issue’ and that ‘this matter is not something that it is appropriate for the local authorities to be consulted on prior to the mitigation details being approved by the Secretary of State.’ Do the local authorities wish to comment?

**Response:**

SCDC’s view is that the horizontal and vertical alignment of the carriageway to minimise noise is a fundamental road design issues that needs to be considered early in the design option stage to optimise the preferred route.

The noise protection provided by the Noise Insulation Regulations 1975 is indeed mandatory but subject to quite specific requirements for example only if there is an increase in noise by 1 dB above a certain trigger threshold.

However, the detailed noise mitigation measures to be implemented or existing retained such as environmental noise barriers, including their performance and effectiveness to mitigate significant adverse noise effects, is a matter that the local authorities do wish to be consulted on prior to detailed approval.

Local authorities have noise responsibilities and do have experienced officers competent in acoustics who wish to contribute to the decision making process including the detailed approval of mitigation measures to protect the health and quality of life of local residents both during construction and operation. In any case the local authority should have the option to obtain independent advice as necessary.

As the location of any environmental noise fence barriers or bunds both new and replacement as proposed in the ES are only indicative, their detailed design including the final location, length, height and technical details such as acoustic performance specifications in order to optimise mitigation should be secured and approved in consultation with SCDC through the requirements / conditions of the DCO.

SCDC submitted the following comments on the revised draft DCO (REP5-016):

**New Requirement 12: Noise Mitigation**

The Council is generally supportive of the inclusion of a new Requirement covering noise mitigation. This would partly address the Council’s concern raised in paragraph 80 of its Written Representation (REP2-147).

However, as one of the local authorities with noise responsibilities the Council considers it important that the Secretary of State consults with the Council before it approves any noise mitigation measures. This would also ensure consistency with the approach included in a number of other Requirements.

Therefore the Council suggests Requirement 12 should be amended to read:

**12.—**(1) No part of the authorised development must commence until written details of proposed noise mitigation in respect of the use and operation of that part section of the authorised development, including the detailed design and acoustic performance of environmental noise barriers, have been submitted to and approved by the Secretary of State, following / in consultation with the local planning authority.

(No change proposed to paragraph 2)

~~(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1). The authorised development must not be brought into use until the approved noise mitigation has been implemented and any approved noise barriers have been constructed in accordance with the approved design referred to in sub-paragraph (1). The approved noise mitigation and environmental noise barriers shall be retained thereafter.~~

A new sub-paragraph (4) should be added as follows:

(4) New or altered sections of carriageway must be constructed using reduced / low noise surfacing<sup>1</sup> and shall be retained thereafter.

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<sup>1</sup> As defined in annex 4 of Part 7 HD 213/11 – Revision 1, Noise and Vibration of Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques of the Design Manual for Roads and Bridges (HD213/11)

<b>Question Reference:</b>	Q2.6.7
<b>Question:</b>	
How would reasonable costs associated with the discharge of requirements be determined? If the local planning authorities were to have a role in the discharge if requirements, what arrangements could be put in place to provide funding for this to take place in association with the scheme?	
<b>Response:</b>	
As outlined in the answer to Q.2.6.2 above, SCDC does not consider that the LPA's should be the body to discharge DCO requirements. SCDC has asked to be consulted on a number of proposed discharge of requirements but clearly given the scale of the scheme, this could place a significant resource burden on the authority. As part of the continuing development of closer working arrangements between HDC, SCDC, Cambridge City and the County Council, SCDC considers that a form of shared service arrangement could be considered where the discharge consultation could be led by one of the existing four Council's within the scheme area and funding for this role agreed between the Councils and the Applicant.	

<b>Question Reference:</b>	Q2.6.8
<b>Question:</b>	
How would the appeal process for non-determination of requirements operate?	
<b>Response:</b>	
SCDC considers that this is a matter that requires further discussion between the Applicant and the Secretary of State for Transport, particularly given the role that the Applicant now has as a separate legal entity from the Department for Transport.	

<b>Question Reference:</b>	Q2.6.9
<b>Question:</b>	
<p>Cambridgeshire County Council's suggested revised wording for Requirement 3 (now 4) (WR para. 9.2.1 REP3-006) would mean that no part of the authorised development could take place until written details of the CoCP for that part, together with the CEMP and LEMP were submitted to and approved by the Secretary of State, following consultation with the relevant planning authority. In its response to Written Representations (REP4-011) and its written response to oral questions at the DCO Hearing (REP5-028) the applicant indicated that it is not required because the CoCP is proposed to be secured through a Requirement in the draft DCO and would become a certified document. Furthermore, the applicant considers that the CEMP and LEMP which would be produced in response to the CoCP would provide extensive opportunities for engagement with relevant local authorities and therefore no need to include a consultation obligation within the Requirement. What has the applicant concluded, having given further consideration to the wording of this Requirement, on the basis of other DCOs? Would the local authorities wish to comment?</p>	
<b>Response:</b>	
<p>SCDC's previous response remains relevant.</p> <p>The CoCP is generally in accordance with national and industry best practice. Whilst it commits the contractor to seek formal prior consent for its construction working methods and the use of best practicable means steps to minimise noise from the works from the local authority under s.61 of Control of Pollution Act 1974, this does not apply to other impacts such as air quality and dust.</p> <p>It remains the Council's view that although the draft DCO (Schedule 2, Part 1 Requirements) includes a Requirement 3 (now 4) relating to Code of Construction Practice compliance, an additional requirement should be imposed or draft requirement 3 (now 4) should be amended to ensure that no development shall commence until the Construction Environmental Management Plans (CEMPs) and Local Environmental Management Plans (LEMPs) as referred to in the Code of Construction Practice (CoCP) have been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.</p> <p>The detailed CEMPs and LEMPs can only be provided, once detailed construction programmes are finalised when more detail is available including construction timetables, methods and activities.</p> <p>The Council's local knowledge and input is required to ensure local receptors are adequately considered and protected and any such LEMPS should be submitted in advance to an agreed timetable prior to works commencing.</p> <p>Extract from SCDC response to revised draft DCO (REP5-016):</p> <p><b>Proposed amendment to Requirement 4: Code of Construction Practice</b></p> <p>The Council, in its Written Representation (REP2-147), sought the inclusion of an additional Requirement to secure the formal approval of Construction Environmental</p>	

Management Plans and Local Environmental Management Plans (paragraphs 84 and 130 - 137). The Council considers this to be of paramount importance as the Planning Act 2008 appears to provide **a general absolute defence to action in respect of statutory nuisance**. Therefore Local Authorities have little or no powers if annoyance or nuisance arises.

The following amendment to Requirement 4 is proposed:

**Code of construction practice and local environmental management plans**

**4.-(1)** The construction of the authorised development must be carried out in accordance with the provisions of the code of construction practice.

(2) No part of the authorised development or each phased section of the scheme shall commence until the Local Environmental Management Plans (LEMPs) as referred to in the Code of Construction Practice (CoCP) have been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

<b>Question Reference:</b>	Q2.6.10
<b>Question:</b>	
<p>The County Council suggested an amendment to Requirement 10 (now 11) (Written Representation para. 9.2.1 (REP3-006)) which would have prevented excavation until the details of works, including aftercare proposals, were submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority. The applicant rejected the proposed amendment in its response to Written Representations (REP4-011) on the basis that the borrow pits restoration plan would be developed during the Examination and be secured under a Requirement. In the light of its comment in its written response to oral questions at the DCO Hearing (REP5-028) could the applicant indicate what progress has been made in the development of the borrow pits restoration plan? Would the local authorities wish to comment?</p>	
<b>Response:</b>	
<p>As detailed in the Council's response to Q1.6.27 in the ExA's 1<sup>st</sup> Questions (REP2-190), the Council considers there should be a Requirement for an overall landscape strategy and plan. This should be agreed prior to any works on the scheme and comprise a general layout for all areas, principles, general approaches, planting mixes etc. Within this context detail can be added in specific areas where it will be needed, for example the borrow pits but also other sensitive or detailed areas.</p> <p>It is important that full details for the use and aftercare of each of the borrow pits is agreed prior to works commencing; to ensure appropriate controls can be put in place for their use, and the nature extent of the excavation works will be a factor in determining appropriate after uses.</p> <p>If all of this detail will be covered in the Borrow Pit restoration Plan, and Highways England will be developing the Plan during the Examination in order to meet Requirement 10 (now 11), then the Plans will be ready in advance of excavation (or any other works) in any case.</p> <p>The Council reserve the right to be consulted on the Borrow Pit Restoration Plan.</p>	

<b>Question Reference:</b>	Q2.6.14
<b>Question:</b>	
Article 36 – Who would undertake the tree survey that would form part of the detailed design process referred to in the CoCP? How would this survey be undertaken and at what time of the year? How would the findings of the tree survey be disseminated and consulted upon and with whom?	
<b>Response:</b>	
<p>The tree survey should be carried out by a competent arboricultural consultant, appointed by the applicant (HE may have their own) to BS 5837: 2012.</p> <p>The tree survey can be carried out at any time of year – although a winter survey will show the ‘worst case’ in terms of loss of screening / mitigation against lighting glare etc, and will show the form and scale of the highway landscapes and features (mounding, slopes, cuttings, fences, etc) to be more apparent.</p> <p>The findings of the Tree Survey will have a direct effect on the works proposed to the trees and should be used to inform the detailed design of the scheme, including landscaping and proposed mitigation planting. Wherever possible, the Council would seek the retention of good individual trees or groups of trees particularly those with TPO status which add to the quality of the landscape.</p>	

<b>Question Reference:</b>	Q2.6.15
<b>Question:</b> Schedule 9 includes a list of trees subject to Tree Preservation Orders. This includes works to be carried out and the work number to which that tree relates. Would the findings of the tree survey for the detailed design process have any effect on the trees listed in this schedule? If not, why not?	
<b>Response:</b>	
<p>The findings of the tree survey will have a direct effect on the works proposed to the trees. The quality and age of the trees is not specifically addressed under a TPO, and some of the Orders were made several years ago.</p> <p>For example - if good individual trees or groups of trees which add to the quality of the landscape are noted in the survey, and these are proposed to be removed, then design amendments should be made where possible to avoid their loss.</p> <p>Conversely, some of the TPOs refer to Elm trees or other trees over mature at the time of the Order, which are now unlikely to still be standing, and so works in these areas could possibly be accommodated without significant impacts.</p> <p>The detailed design will therefore need to respond to the outcomes of the tree survey.</p>	

<b>Question Reference:</b>	Q2.8.4
<b>Question:</b>	
<p>The applicant has indicated (Response to Relevant Representations page 67, REP1-035) that it is anticipated that between 2017 and 2020 there would be sufficient on-site accommodation for 500 workers. Please provide a detailed explanation of how accommodation for workers would be provided and in what locations. Are any adverse effects on community cohesion anticipated?</p>	
<b>Response:</b>	
<p>SCDC has not been consulted by the Applicant on what accommodation will be provided.</p> <p>The Council notes the CoCP (REP4-026) makes reference to the siting of accommodation within compounds, the location of which will be confirmed once main contractors have been appointed (para. 5.5.1) and that the impact of the construction workforce on the community, in terms of its travel to and from work and use of temporary accommodation is to be monitored (para. 3.2.3).</p> <p>However, this does not provide clarity on the location and type of accommodation to be provided, or whether the local authorities will be involved in this process. As the CoCP states the location of compounds are to be confirmed once the main contractors have been appointed, this will presumably be an issue that will be addressed in their Construction Environmental Management Plan (CEMP)? However, HE has made it clear it is not intended the local authorities will have any involvement in the detail of individual CEMPs, although the Council has made comments that they should be (including in its response to Q2.6.9). This is another local issue that the Council feels it is important to be consulted on, to ensure the appropriate location of any accommodation in order to minimise their impact, including potential social issues arising from poorly sited accommodation.</p>	

<b>Question Reference:</b>	Q2.8.5
<b>Question:</b>	
The residual impact of the proposals on All Saints' Church, Church, Lolworth (Grade II*) has been assessed in the ES as slight adverse. Should the impacts of the proposed scheme on the church and its setting be mitigated and if so, how? If not, why not?	
<b>Response:</b>	
The Council has outlined its position in its Written Representation (paragraphs 44-45 and 62-68, REP2-147) and in response to Q1.8.6 and Q1.9.9 in the ExA's 1 <sup>st</sup> Written Questions (REP2-190).	
The Council has identified in its Written Statement (paragraphs 44 and 45) landscape measures that should be applied through the detailed design process, for example, using the best examples of local landscape and landscape patterns to integrate the new roadway and its structures. Detailed landscape will be needed (e.g. at Lolworth over bridge) for example using the 'parkland and avenues' as a basis for planting structure, disguising obtrusive landform and planting large, filtering trees close to the highway to lessen the impact of gantries and lighting. The detailed design should look at the opportunity of using additional available areas of land within the red-line to achieve this e.g. south of Swavesey Junction bridge, south of Robins Lane bridge.	

<b>Question Reference:</b>	Q2.8.6
<b>Question:</b>	
<p>In response to Q1.8.1 (REP2-190) and in their WR (REP2-147), SCDC has stated that not all development sites along the route have been addressed in the applicant's cumulative impact assessment, including Darwin Green 2 and Cambridge Northern Fringe East. SCDC also note that a number of development sites have been incorrectly identified on ES Figure 2.2 (sheets 5 &amp; 6). The applicant has responded to the Council's WR. Does SCDC wish to comment further?</p>	
<b>Response:</b>	
<p>Highways England response to the Council's Written Representation (REP4-011) states that there are presentational errors with regards to how the information is presented in Chapter 18 of the Environmental Statement, in particular in Figure 18.1 and Table 18.4. However, HE confirm that all the development sites, in their entirety, have been taken into consideration in the traffic modelling and cumulative effects work. In addition, errors in relation to how the Green Belt boundary is presented in Figure 2.2 is due to outdated GIS layers being used. HE consider that none of these issues affect the overall conclusions within the Environmental Statement.</p> <p>The Council is reassured that this is a presentational issue within the Environmental Statement rather than matters of substance, and that HE has considered committed development within the Cumulative Effects chapter.</p>	

<b>Question Reference:</b>	Q2.9.1
<b>Question:</b>	
<p>Requirement 7 provides for the approval and implementation of a landscaping scheme, but sets no time by which such a scheme should be submitted. Should the Requirement be amended to begin 'No part of the authorised development shall commence until a written landscape scheme applicable to that part of the scheme has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority'. How would this requirement be monitored and enforced?</p>	
<b>Response:</b>	
<p>The Council, in its response to Q1.6.27 in the ExA's 1<sup>st</sup> Written Questions (REP2-190), suggested the need for two Requirements to control the timing for submitting and approval of landscaping schemes. The suggested wording in Q2.9.1 address the second point the Council made, in relation to the provision and agreement of detailed schemes for specific parts of the scheme, such as a borrow pit or a sensitive area.</p> <p>However, the Council considers it very important to have an overarching vision and plan for the scheme as a whole which provides the framework against which each of the detailed plans would fit. This should be agreed prior to any part of the development commencing and would cover landscape principles, general layout as a whole, response to landscape character areas, landscape types, uses and themes, movement and connections, proposed landscape treatments and planting lists, phasing, structures, grading, levels, general layout of landscape areas (e.g. borrow pits, junctions) etc, and specifications, plans and timescales for restoration, management and aftercare of landscape areas.</p> <p>This overarching plan should establish sound landscape principals and layout for all areas, and will ensure good continuity, connectivity and integration between the individual parts of the scheme and the existing landscape.</p> <p>Requirements for approving the detailed design for each part of the scheme can follow, to be submitted and approved before commencing that part of the development, as described above.</p>	

<b>Question Reference:</b>	Q2.10.1
<b>Question:</b>	
Post-construction noise monitoring has been requested by the local authorities particularly in relation to the impacts on Brampton Primary School and at Stewart Close, Brampton, RAF Brampton, Pear Tree Close, Fenstanton, Rhadegund Cottages, Cambridge, Hackers Fruit Farm, Lolworth and Catchall Farm Cottages, Cambridge. How would this be secured in the DCO? (CCC para 7.1.3/4, REP3-006)	
<b>Response:</b>	
<p>The noise monitoring provisions in the ES <i>Appendix 14.11 Scheme operation noise and vibration policy section 4.1 Monitoring</i> are noted. In particular there is reference to duties under regulation 6 of the Noise Insulation Regulations 1975 to assess operational noise levels following opening of the scheme to traffic, at properties that may qualify under the requirements.</p> <p>This approach is limited to those properties that qualify under, and meet, the requirements of the Noise Insulation Regs 1975. There are other assessment locations which are currently exposed to significant adverse noise levels (Significant Observed Adverse Effect Levels – (SOAEL) &gt;68 dB L10.18hr / 63dBLAeq, 16hr) and this will even be the case with the mitigated scheme, with no qualification under the Noise Insulation Regs 1975. They will not be assessed as per HE proposals.</p> <p>As with all noise models there is a degree of uncertainty in the prediction and there are always input assumptions. It is the Council's view that the future noise predictions are verified by post scheme noise monitoring at locations where the residential noise levels is greater than the SOAEL identified in the ES even with the mitigated scheme. For these situations operational noise monitoring is required to demonstrate the effectiveness of mitigation measures implemented and consideration of additional mitigation if unexpected and unacceptable adverse impacts arise.</p> <p>This should be secured by a requirement for a <u>Post-scheme noise monitoring scheme to be approved in consultation with local authorities.</u></p>	

<b>Question Reference:</b>	Q2.10.2
<b>Question:</b>	
A new Requirement to address noise mitigation has been included in the revised draft DCO submitted for Deadline 4 (Requirement no.12). Do local authorities and others wish to comment?	
<b>Response:</b>	
South Cambridgeshire District Council proposed an amendment to the new Requirement 12: Noise in its response to the revised draft DCO (REP5-016):	
<b>New Requirement 12: Noise Mitigation</b>	
The Council is generally supportive of the inclusion of a new Requirement covering noise mitigation. This would partly address the Council's concern raised in paragraph 80 of its Written Representation (REP2-147).	
However, as one of the local authorities with noise responsibilities the Council considers it important that the Secretary of State consults with the Council before it approves any noise mitigation measures. This would also ensure consistency with the approach included in a number of other Requirements.	
Therefore the Council suggests Requirement 12 should be amended to read:	
<b>12.—(1)</b> No part of the authorised development must commence until written details of proposed noise mitigation in respect of the use and operation of that part section of the authorised development, including <u>the detailed design and acoustic performance of environmental noise barriers</u> , have been submitted to and approved by the Secretary of State, <u>following / in consultation with the local planning authority.</u>	
(No change proposed to paragraph 2)	
<del>(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1).</del> <u>The authorised development must not be brought into use until the approved noise mitigation has been implemented and any approved noise barriers have been constructed in accordance with the approved design referred to in sub-paragraph (1). The approved noise mitigation and environmental noise barriers including existing fence barriers shall be retained thereafter.</u>	
A new sub-paragraph (4) should be added as follows:	
<u>(4) New or altered sections of carriageway must be constructed using reduced / low noise surfacing<sup>2</sup> and shall be retained thereafter.</u>	

<sup>2</sup> As defined in annex 4 of Part 7 HD 213/11 – Revision 1, Noise and Vibration of Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques of the Design Manual for Roads and Bridges (HD213/11)

<b>Question Reference:</b>	Q2.10.3
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**Question:**

The County Council has indicated that the noise impacts with regard to the borrow pits have been assessed using criteria appropriate for road construction and not those appropriate for mineral extraction. The County Council has requested that noise impacts be appropriately mitigated in relation to the borrow pits. The applicant's view is that the CoCP establishes control measures that would provide the most effective level of protection to ensure that the noise standards for mineral sites would be met in the majority of, if not all, cases. Would the local authorities wish to comment?

**Response:**

Highways England has clarified the status of the submitted Code of Construction Practice (CoCP) and National Planning Policy Framework Planning Practice Guidance (NPPF-PPG) on mineral operations and respective noise standards recommended within.

SCDC have reviewed a Borrow Pit (BP) assessment note provided by HE / ARUP (Date -13 July 2015, Job No/Ref D01-SP) which included consideration of the noise impacts associated with BP 6. Additional noise impact assessment has also been provided for BP5 under cover of an email dated the 11/08/2015.

SCDC are now satisfied that the noise assessment and mitigation approach proposed is acceptable for both borrow pit related activities and actual road construction works.

It is also considered that the borrow pits, (which could be considered separate minerals and waste sites) are in fact an intrinsic part of the DCO (within application red line) and would fall under the definition of construction type works under the Control of Pollution Act 1974. The CoCP is in accordance with national and industry best practice. It commits the contractor to seek formal prior consent for its construction working methods and the use of best practicable means steps to minimise noise from the works from the local authority under s.61 of Control of Pollution Act 1974. There is also a commitment to undertake construction noise and vibration monitoring.

These consents would secure mitigation (such as the increased boundary screening) and best practical control measures to minimise noise and vibration as far as it would be reasonably practicable to do so.

However, it remains the Council's view that a requirement is imposed to ensure that no development shall commence until the Construction Environmental Management Plans (CEMPs) and Local Environmental Management Plans (LEMPs) as referred to in the Code of Construction Practice (CoCP) have been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

The CEMPs and LEMPs can only be provided, once detailed construction programmes are finalised when more detail is available including construction timetables, methods and activities.

The Council's local knowledge and input is required to ensure local receptors are adequately considered and protected.

<b>Question Reference:</b>	Q2.10.5
<b>Question:</b>	
SCDC is seeking additional noise impact assessment and mitigation at sensitive locations including Orchard Park Primary School, Neighbourhood Play/Recreation Area, Cambridge Regional College and Cambridge City Crematorium/Huntingdon Road Cemetery. What progress has been made in addressing these concerns?	
<b>Response:</b>	
Highways England has provided additional information on the noise impact assessment at these locations.	
Orchard Park School is represented by Assessment Location 10041. The daytime noise level change at this location is +1.1dB(A) (DS2035 vs DM2020). This is below the criteria of >3dB(A) increase set out in Table 3.1 in appendix 14.3 of the ES: <i>Noise and vibration significance criteria</i> . A likely significant effect is not therefore reported at Orchard Park School. This would be the same for the Regional College.	
Similarly at the Cambridgeshire crematorium – gardens of remembrance no adverse impacts are expected.	
SCDC agree that no unacceptable adverse impacts are envisaged. Therefore no further action is required.	

<b>Question Reference:</b>	Q2.10.9
<b>Question:</b>	
SCDC are seeking changes to the assessment of night time effect and receptors affected. What progress has been made with discussions between the parties?	
<b>Response:</b>	
<p>The Council is seeking clarification about the night-time noise assessment undertaken by the applicant to understand whether it complies with the DMRB reporting guidance requirements for night-time noise impacts and effects.</p> <p><b>SCDC confirm that this request is not in relation to the noise assessment methodology and approach undertaken and as reported in the ES Chapter 14. The assessment methodology followed is entirely acceptable.</b></p> <p>It relates to summary Long Term DMRB night time reporting requirements only.</p> <p>The Council and HE have had ongoing discussions. HE has submitted further information to explain how the DMRB reporting requirements are met for the night-time period.</p> <p>For completeness SCDC have requested some additional minor clarifications. However it is not envisaged that there will be any outstanding matters of disagreement. The outcome will be updated in the Statement of Common Ground.</p>	

**Question Reference:** Q2.10.11

**Question:**

A new proposed Requirement (12) does not provide for consultation with local authorities on the basis that noise issues are considered by the applicant to be a technical trunk road design issue on which the applicant has the necessary expertise. Does the applicant and local authorities wish to comment?

**Response:**

Local authorities have noise responsibilities and do have experienced officers competent in acoustics who do wish to contribute to the decision making process including the detailed approval of mitigation measures to protect the health and quality of life of local residents both during construction and operation. In any case the local authority should have the option to obtain independent advice as necessary.

As the location of any environmental noise fence barriers or bunds both new and replacement as proposed in the ES are only indicative, their detailed design including the final location, length, height and technical details such as acoustic performance specifications in order to optimise mitigation should be secured and approved in consultation with SCDC through the requirements / conditions of the DCO.

The Council submitted proposed amendments to the revised draft DCO (REP5-016) (copied below for completeness). The Council maintains its position with regards to the importance of being consulted before any decisions are made on appropriate mitigation measures.

Comments on revised draft DCO - extract from REP5-016:

**New Requirement 12: Noise Mitigation**

The Council is generally supportive of the inclusion of a new Requirement covering noise mitigation. This would partly address the Council's concern raised in paragraph 80 of its Written Representation (REP2-147).

However, as one of the local authorities with noise responsibilities the Council considers it important that the Secretary of State consults with the Council before it approves any noise mitigation measures. This would also ensure consistency with the approach included in a number of other Requirements.

Therefore the Council suggests Requirement 12 should be amended to read:

**12.—(1)** No part of the authorised development must commence until written details of proposed noise mitigation in respect of the use and operation of that ~~part~~ section of the authorised development, including the detailed design and acoustic performance of environmental noise barriers, have been submitted to and approved by the Secretary of State, following / in consultation with the local planning authority.

(No change proposed to paragraph 2)

~~(3) The noise mitigation must be constructed in accordance with the approved details~~

referred to in sub-paragraph (1). The authorised development must not be brought into use until the approved noise mitigation has been implemented and any approved noise barriers have been constructed in accordance with the approved design referred to in sub-paragraph (1). The approved noise mitigation and environmental noise barriers shall be retained thereafter.

A new sub-paragraph (4) should be added as follows:

(4) New or altered sections of carriageway must be constructed using reduced / low noise surfacing<sup>3</sup> and shall be retained thereafter.

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<sup>3</sup> As defined in annex 4 of Part 7 HD 213/11 – Revision 1, Noise and Vibration of Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques of the Design Manual for Roads and Bridges (HD213/11)

<b>Question Reference:</b>	Q2.12.21
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**Question:**

If the closure of the junction of The Avenue with the A14, or indeed any other traffic restrictions such as weight limits on roads within the general A14 corridor, were thought to be necessary following the opening of the scheme, what arrangements could be put in place to provide funding for this to take place in association with the scheme, such as through a Section 106 agreement?

**Response:**

SCDC supports the County Council in seeking to secure a formal agreement or requirement for the implementation of traffic monitoring and, if necessary, mitigation due to local traffic impacts of the A14.

The County Council, supported by partner local authorities in the A14 corridor, is seeking the implementation of traffic monitoring across a number of sites in the A14 Corridor. A preliminary list (see below) was included in the County Councils Written Representation for Deadline 2 (REP2-159). This list will be updated with more detail, and justification, in the revised joint Local Impact Report for Deadline 8.

- B1514 Brampton;
- Mill Road Buckden;
- A1123 St Ives;
- A1096 St Ives to A14;
- The Avenue, Madingley;
- High Street, Madingley;
- Girton Road Girton
- B1040 Hilton;
- Graveley Way, Hilton
- Middle Watch / Ramper Road, near Swavesey;
- Boxworth Road / Rose and Crown, near Swavesey;
- Scotland Road / High Street, Dry Drayton;
- A14 Junction 26 (A1096/B1040);
- Various sites in Cambridge City, including key radial routes; and
- Other locations should these be identified following Local Impact Testing

Highways England has agreed to the principle of monitoring, and the implementation of mitigation if necessary, but not to any detail of sites or method. However, the Local Authorities would desire a stronger and binding commitment to monitoring impacts and providing mitigation should it be necessary. There is currently no Requirement or obligation in the Development Consent Order by which means monitoring of traffic impacts can be secured. In the opinion of the Local Authorities a voluntary agreement with Highways England does not give sufficient comfort that monitoring will be implemented on a wide enough scale, nor that if an adverse impact due to the A14 is apparent, that mitigation of it will be forthcoming. The Local Authorities will deal with the scope of monitoring in the updated joint Local Impact Report for Deadline 8. However, a Section 106 Agreement or other binding contract is required to ensure that monitoring is robust, and that mitigation will be implemented if necessary due to local traffic impacts of the A14.

<b>Question Reference:</b>	Q2.14.4
<b>Question:</b>	
<p>Please provide an update on progress with each of the Statements of Common Ground (SoCG) submitted in response to Deadline 3. This to confirm which SoCGs are now finalised and which SoCG are still in discussion. It is the ExAs expectation that all SoCGs will be finalised by Deadline 8. If the applicant or other interested parties foresee difficulties in meeting this deadline, they are requested to advise the ExA accordingly of the additional steps that are being taken to secure agreement.</p>	
<b>Response:</b>	
<p>The Council is submitting an updated Statement of Common Ground at Deadline 7, to reflect the current position; changes since the version previously submitted (REP3-001) are shown in blue font. Following Highways England's response (REP4-011) to the Council's Written Representation (REP2-147) the Council is content that a number of issues have been resolved satisfactorily (although some are caveated subject to detailed design), or discussions are continuing. It is hoped to be able to reach agreement on most of the outstanding issues before the Final SoCG is submitted to meet Deadline 8.</p>	